

BARRY LEON RHODES	§	
v.	§	CIVIL ACTION NO. 6:10cv172
RICK THALER, DIRECTOR, TDCJ-CID	§	

The Plaintiff Barry Rhodes, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged deprivations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

On April 28, 2010, the Magistrate Judge ordered Rhodes to pay an initial partial filing fee of \$3.06, pursuant to 28 U.S.C. §1915(b). Rhodes received a copy of this order on May 5, 2010, but to date has not complied, nor has he responded in any way.

On June 28, 2010, the Magistrate Judge issued a Report recommending that the case be dismissed without prejudice for failure to prosecute or to obey an order of the Court. Rhodes received a copy of this Report on July 2, 2010, but filed no objections thereto; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED without prejudice for failure to prosecute or to obey an order of the Court. It is further

ORDERED that any and all motions which may be pending in this civil action are hereby DENIED.

So ORDERED and SIGNED this 14th day of September, 2010.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**